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10 *Attorneys for Plaintiff U.S. Bank National Association, as Legal Title Trustee for PROF-2013-S3 Legal Title Trust IV*

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

U.S. BANK NATIONAL ASSOCIATION, AS
LEGAL TITLE TRUSTEE FOR PROF-2013-S3
LEGAL TITLE TRUST IV, a national bank,

Plaintiff,

vs.

ALESSI & KOENIG, LLC., a Nevada limited
liability company; HIGHLAND RANCH
HOMEOWNERS ASSOCIATION, a Nevada
corporation; THUNDER PROPERTIES, INC.,
a Nevada corporation; DAYTON P. ROSS, an
individual; DOES 1 through 10, inclusive, and
ROES 1 through 10, inclusive,

Defendants.

Case No.: 3:17-cv-00122-MMD-CBC

**STIPULATION AND ORDER TO
DISMISS PURSUANT TO
SETTLEMENT WITH PREJUDICE**

Plaintiff, U.S. Bank National Association, as Legal Title Trustee for PROF-2013-S3
Legal Title Trust IV ("Plaintiff" or "U.S. Bank"), Defendant, Thunder Properties, Inc.
("Thunder"), and Defendant, Highland Ranch Homeowners Association ("Highland Ranch")
(collectively, the "Parties"), by and through their respective attorneys of record, hereby
stipulate and agree as follows:

WHEREAS:

1. The real property which is the subject of this suit is commonly known as 6385
Mono Court, Sun Valley, Nevada 89433; APN: 508-211-15 ("Property") and is part of the

Stipulation and Order to Dismiss Pursuant to Settlement; Case No. 3:17-cv-00122-MMD-VPC

1 Highland Ranch Homeowners Association;

2 2. Borrower, Dayton P. Ross (“Borrower”), executed a Note to finance purchase of
3 the Property, the repayment of which was secured by a Deed of Trust recorded against the
4 Property as Document Number 3729254 in the official records of the Washoe County
5 Recorder’s Office;

6 3. U.S. Bank is the current beneficiary of record of the Deed of Trust;

7 4. On December 28, 2012, a Notice of Delinquent Assessment Lien was recorded
8 against the Property by Alessi & Koenig, LLC (“A&K”) on behalf of Highland Ranch;

9 5. On June 5, 2013, a Notice of Default and Election to Sell Under Homeowners
10 Association Lien was recorded against the Property by A&K on behalf of Highland Ranch;

11 6. On November 18, 2013, a Notice of Trustee’s Sale was recorded against the
12 Property by A&K on behalf of Highland Ranch;

13 7. A&K sold the Property on behalf of Highland Ranch on December 19, 2013
14 (“HOA Sale”) to LVDG LLC Series 172 (“LVDG”), shown by the Trustee’s Deed Upon Sale
15 recorded as Document Number 4314196 in the official records of the Washoe County
16 Recorder;

17 8. On July 22, 2015, a Grant Deed was recorded as Document Number 4494580 in
18 the official records of the Washoe County Recorder, wherein the Property was transferred to
19 Thunder;

20 9. On February 24, 2017, U.S. Bank filed a Complaint for Quiet Title against
21 Thunder, Highland Ranch, A&K, and Borrower;

22 10. On May 5, 2017, Thunder filed its Answer to the Complaint;

23 11. On May 9, 2017, Highland Ranch filed its Answer to the Complaint;

24 12. U.S. Bank, Thunder, and Highland Ranch have now come to a resolution
25 regarding their respective claims and interests in the Property;

26 13. U.S. Bank, Thunder, and Highland Ranch have executed, or will execute, a
27 settlement agreement, the terms of which are confidential, but under which U.S. Bank agrees to
28 relinquish its right, title and interest in the Property for agreed-upon consideration;

Stipulation and Order to Dismiss Pursuant to Settlement; Case No. 3:17-cv-00122-MMD-VPC

1 14. Nothing in this Stipulation should be construed as intended to benefit any party
2 other than U.S. Bank, Thunder, and Highland Ranch, and in particular, shall not constitute a
3 waiver or relinquishment of any claims by U.S. Bank against the Borrower under the Note; and

4 15. Each Party shall bear its own fees and costs incurred in this litigation and
5 settlement.

6 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED** that U.S.
7 Bank's Complaint against Thunder and Highland Ranch is hereby dismissed in its entirety *with*
8 *prejudice*.

9 **IT IS FURTHER STIPULATED AND AGREED** that nothing in this Stipulation and
10 Order is intended to be, or will be, construed as an admission of the validity of the claims or
11 defenses of any Party.

12 **IT IS FURTHER STIPULATED AND AGREED** that this Stipulation and Order is
13 in no way intended to impair the rights of U.S. Bank (or any of its authorized servicers, agents,
14 investors, affiliates, predecessors, successors, and assigns) to pursue any and all legal remedies
15 against Borrower that U.S. Bank (or any of its authorized servicers, agents, investors, affiliates,
16 predecessors, successors, and assigns) may have relating to the Note, including the right to sue
17 Borrower for any deficiency.

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1 **IT IS FURTHER STIPULATED AND AGREED** that each Party shall bear its own
2 attorneys' fees and costs incurred in this litigation and settlement.

3 **IT IS SO STIPULATED.**

4 DATED this 30th day of August, 2019.

 DATED this 30th day of August, 2019.

5 **WRIGHT, FINLAY & ZAK, LLP**

**ROGER P. CROTEAU & ASSOCIATES,
6 LTD.**

7 /s/ Paterno C. Jurani, Esq.

/s/ Timothy R. Rhoda, Esq.

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 Attorneys for Defendant, Thunder Properties,

15 Association, as Legal Title Trustee for PROF-

 Inc.

16 2013-S3 Legal Title Trust IV

17 DATED this 30th day of August, 2019.

18 **LEACH KERN GRUCHOW ANDERSON
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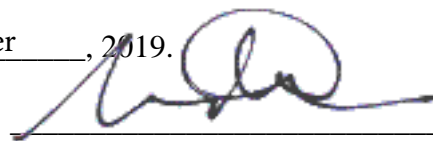
26 Reno, Nevada 89511

27 Attorneys for Defendant, Highland Ranch

28 Homeowners Association

IT IS SO ORDERED.

 Dated this 3rd day of September, 2019.



UNITED STATES DISTRICT COURT JUDGE